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16.2.2000



IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JANUARY 1998

B E F O R E

THE HON'BLE MR. JUSTICE Y. BHASKAR RAO

CIVIL REVISION PETITION NO. 3579 OF 1997

Between:

K.V. Subbanna,

S/o. Ramappa,

aged about 65 years,

Agriculturist,

resident of Mundigesara village,

Sagar Taluk,

Shimoga District.

.. Petitioner

(By Sri. R.V. Jayaprakash, Advocate)

And:

K.H. Kollappa,

S/o. Kapi Huchanayaka,

aged about 41 years,

Agriculturist,

resident of Thotadakoppa village,

Hosanagar Taluk,

Shimoga District.

.. Respondent

- - -

Civil Revision Petition filed U/s. 115 of CPC against the order dated 1.8.1997 passed in O.S.No. 436 of 1991 on the file of the Prl. Munsiff, Sagar.

This Civil Revision Petition coming on for admission this day, the Court made the following:

O R D E R

This is a revision filed by the defendant assailing the order of court below allowing amendment pleaded by the plaintiff/respondent. The plaintiff-responent originally filed a suit for declaration and *injunctio*. By the impugned IA he sought for amendment of the suit seeking declaration and possession instead of *injunctio*. The court below allowed the same, against which present revision is filed. It is contended that original suit itself is barred by limitation, therefore amendment cannot be granted.

Whether suit is barred by limitation or not will be considered after trial, therefore

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therefore it cannot be ground for rejection of amendment. Court below after considering entire material on record without prejudice passed the order. Hence, I find no reason to inter-fere.

Petition stand dismissed.

Sd/- Judge.

Ms

R.By: *h*

C.By: *h*

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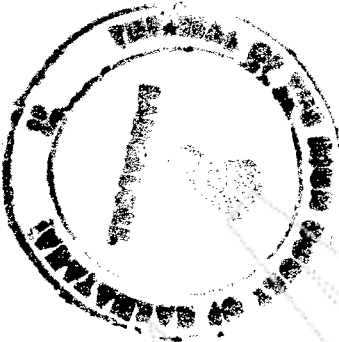
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Assistant Registrar

High Court of Karnataka

Bangalore-560 001

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